GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands - Suits – Anakapalli District - Contempt Case No.900 of 2019 in W.P.No.44894 of 2018 dated 12.03.2019 filed by Sri Chikkala Kannaiah & another – Meeting of Committee – Representations of the petitioners disposed of - Reg.

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REVENUE (LANDS.I) DEPARTMENT

G.O.Ms.No.637 Dated:16-09-2022
Read the following:

Ref:- 1. G.O.Rt.No.2447, G.A(SC.A) Dept., dt: 20.11.2018.
2.Orders of Hon'ble Court dt: 12.03.2019 in W.P.No.44894/2018
3.Representations of Sri Chikkala Kannaiah & another dt.30-04-2019, 15.07.2019 and 29.7.2019
4.Contempt Case No. 900 of 2019 in W.P.No.44894 of 2018 dated 12.03.2019 of the Hon'ble High Court of AP.
5.From the District Collector, Visakhapatnam, RC.No.38/2022/D1, dt:26.04.2022.
6.From the District Collector, Anakapalli, RC.No.38/2022/D1, dt:26.04.2022.
7.From the District Collector, Anakapalli, Lr.Rc.No.38/2019 D1 Dt.27.08.2022.
8.Lr. No. REV01-LANA0MISC/611/2019-LANDS-I Dt.29 /08/2022
9.Memo. No. REV01-LANA0MISC/611/2019-LANDS-I Dt.29 /08/2022
10. Meeting of Secretaries Committee held on 01-09-2022.
11.Representation filed by Sri Karanam Narsinga Rao dt.31-08-2022.
12. Rc.No.38/2019 D1, Dt.12-09-2022 of Collector, Anakapalli.

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ORDER:

In the reference 5th read above, the District Collector, Visakhapatnam has submitted that It is observed that in the year 2018, Sri Karri Veera Govinda S/o (L) Kasulu has filed W.P.(PIL).No. 13/2018 contending that, the land in Survey Number 150/3 of Lankelapalem village of Parawada Mandal is a Government land and some private persons (present petitioners in contempt case 900/2019) obtained certain permissions irregularly from the Revenue, Registration and Municipal administration authorities as if it is private land.

2. It was further stated that on thorough verification of Revenue Records it was found that the said land stands classified as "AWD" (i.e., Government Land) with an extent of Ac.20.15 Cts and subsequently, the following entries were interpolated without mentioning any orders or proceedings on the basis of which the changes were effected in the SFA;

150/1 – Ac.10.15 cts – Gayalu
150/2 – Ac.4.88 cts – Prabhandakam Venkata Raju S/o Appanna
150/3 – Ac.5.07 cts – Jakkilinki Rama Swamy S/o Somulu

3. Based on circumstantial evidences and as per the entries in VA.No.2 and VA.No.3 prima facie, it appears that these records have been tampered and as seen from the I-B register, the PPB/TDs are issued to Chikkala Kannayya for the said land. The matter has been taken up for suo moto review by the Joint Collector cum Revisional Authority, Visakhapatnam.

4. Aggrieved by this action of the Joint Collector, Sri Chikkala Kannayya and Karanamreddy Narsinga Rao, Visakhapatnam district have filed W.P.No.44894/2018 with a prayer to "set aside the action of the 3rd respondent (Joint Collector, Visakhapatnam) in initiating suo moto Revision under Section 9 of AP Rights in Land and Pattadar Passbooks Act, 1971 against the 1st petitioner in respect of the land to an extent of Ac.5.07 Cts in Sl.No.150/3 of Lankelapalem Village, Parawada Mandal and consequently direct the 3rd respondent herein not to interfere with the possession and enjoyment of the petitioners in the above said land."

5. The Hon'ble High Court clubbed both the Writ Petitions i.e.,WP (PIL) No.13/2018 and W.P.No.44894/2018 and disposed off the same vide orders DT:12.03.2019 as follows:

> ".....the Writ petitioners are directed to place their objections before the Committee and which event, the Committee shall decide the nature of land and ownership of the land based on the material available, in terms of reference made to them by the Government in the memo referred above within 3 months from the date of receipt of copy of this order. Till such time, status quo as on today shall be maintained by both the parties with regard to the property, in all respects. Further the Joint Collector, Visakhapatnam may not insist on the proceedings with the matter till the report is submitted to the Government in respect of land admeasuring Ac.5.07 cents in Sy.No.150/3 of Lankelapalem village, Visakhapatnam".

6. The petitioners have filed contempt case No.900/2019 for non initiation of any actions on their representations dt: 30.04.2019, 15.07.2019 and 29.7.2019 said to have been filed before Committee of Secretaries.

7. The District Collector, Anakapalli (The land is now part of Anakapalli District post formation of Anakapalli District in April 2022) in the reference 6th cited has requested the Government to communicate the decision of the Secretaries Committee constituted to examine the SIT recommendations, if any, taken on the representation said to have been submitted, as per the directions of the Hon'ble High Court, by the petitioners herein, to submit the same to the Hon'ble High Court to avoid legal complications.

8. On perusal of the records in the Government, it is seen that the writ petitioner has not formally applied to the Committee for a decision in the matter as directed by the Hon High Court. In the absence of an application being available before the Revenue Department in Government, it was not possible for the same to be placed before the Committee of Secretaries.

9. At this stage, the District Collector, Anakapalli in the reference 7th cited has requested that the representation of the Writ Petitioners may be placed before the Committee and suitable directions may be issued so as to enable to take necessary action in Contempt Case No. 900/2019 in WP No.44894/2018. He has also provided a copy of the representation filed by the writ petitioner.

10. Therefore, a meeting of the Committee of Secretaries constituted vide G.O.Rt.No.2447, G.A(SC.A) Dept., dt: 20.11.2018 has been convened on 01-09-2022 at 4-00 P.M in 4th Block of AP Secretariat. The meeting was attended by the Special Chief Secretary (Revenue), the Principal Secretary to Government (General Administration Department) and the Secretary to Government (Law Department).

11. Sri R. Narasmha Murthy, Superintendent, O/o the Collector, Anakapalli and Sri V. Prakasa Rao, Tahsildar, Parawada Mandal were present with relevant records.

12. The parties Sri Karanamreddy Narasinga Rao S/o late Atchenna and Sri Chikkala Ramu Naidu were also present.

13. The petitioners have submitted a written representation along with annexures, a copy of which was handed over to Tahsildar, Parawada for submission of their remarks.

14. The petitioner in their representation prayed that as per the Hon'ble High court's Order in W.P. No.44606 of 2017....

i) to direct the Tahsildar, Parawada Mandal to put the digital signatures for the land admeasuring Ac.5.07 cents in Sy. No.150/3 of Lankelapalem Village Parawada Mandal, Visakhapatnam district.

ii) The plots mortgaged in favour of VUDA are required to be released as the entire developmental activity has been completed as per the directions of the Local body.

15. Sri Karanamredy Narasinga Rao has represented that the land in question was approved in a layout and they have sold all the plots, that they are permitted to sell and 6 plots are under mortgage to VUDA. Other than these 6 plots they have no interest in any of the lands. Chikkala Family has already sold the land to Karanamreddy Narasinga Rao and have no interest in the Land.

16. All other records including report of the Collector were perused.

APPRECIATION OF THE EVIDENCE

15. The settlement fair Adangal (SFA) of Lankelapalem (V) shows survey No 150 as AWD/gayalu. As per the same, at the time of preparation of the SFA, Sy no 150 is AWD, ie Govt Land and ryotwari patta was not granted to any Individual. Hence as on date of preparation of the SFA, the nature of the Land was AWD/Gayalu ie Govt Land.

The Collector states that, after striking out the total extent in Sy.No.150 Ac.20.15 (original entry), the names recorded later and the subdivided extents are not getting tallied with the original entry (Sum total of the sub-divided numbers is Ac 20.1 as against the original total extent of Ac 20.15). Hence, he contends that the entries made in the SFA cannot be relied upon and it appears to be tampered. It is evident that the total extents do not tally, thereby raising a question over the entries.

16. The Manuscript Diglot Register (MDR) of Lankelapalem, which is available in original, shows the old Survey no as 545 and 547, which correspond to new Survey number 150, is stated to be AWD/Gayalu. Hence the nature of the Land is again shown as Govt Land in the MDR.

17. The claim of the petitioner is that his legal predecessors were granted ryotwari patta under the Estate Abolition Act by the settlement Officer on 10th Feb 1959.

The petitioners did not produce the original patta and the copy of the alleged patta produced by them is not legible and does not show the required details. The old survey number is not visible on the copy and the name of the alleged pattadar is also not seen in the copy of the alleged patta. The date stamp used on the alleged patta also was not available in 1959 and dates were usually entered by hand at that point of time. The date stamp also does not appear to be derived by a round stamp where dates can be changed.

The collector states that the copy of the rough patta produced does not have a legible signature or seal on the same. He denies that such a patta is in existence.

In the absence of the original patta or a certified copy of the original patta, the evidentiary value of the same is very weak and cannot be accepted.

18. The collector has reported that the Field Measurement Book was perused and it is seen that Sy.No.150 measuring Ac.20.15 cents was subdivided by the Taluk Surveyor on 8.11.80, wherein it is clearly mentioned that "sub-division nos 1 to 3 have been incorporated as per 8A No.11/77 Tahsildar, Anakapalli. Since the sub-division was carried out in 1980, this is at variance with the assertion of the petitioner that they were given rough patta in the year 1959.

Hence it appears that the patta was granted in the year 1980, by the Tahsildar, who is empowered to grant a D-form assignment patta. Such an assignment patta carries a clause of non-alienability with it.

19. The adangal of Fasli 1402(1992) shows the land nature to be Banjar ie Govt Land, 1408(1998) shows the land as Banjar ie Govt Land, 1409(1999) shows the land as Banjar ie Govt Land, and 1413(2003) shows the land as Banjar ie Govt Land.

However the adangals of 1416, 1417, 1418 and 1419 shows Chikkala Ramaswamy as Pattadar. In all these adangals, the land nature was originally marked as Govt land (Banjar), and the same was struck down at a later stage and the same were marked as Zeroithy mettu. There are no proceedings of the Tahsildar permitting such a change.

Hence a reading of the adangals show that till the year 2003 the nature of the said Sy no 150/3 was Govt Land and nature of the Land from Fasli 1416 to 1419 were originally shown as Banjar and thereafter overwritten. Whatever, may be case of subsequent Adangals, it is clear that all the older adangals described the nature of Land as Banjar ie Govt Land.

20. The adangal of fasli 1383 was seen and in those days, separate volumes were prepared for Govt owned Lands, Assigned Lands and private Patta Lands. The present survey number in question finds place in the volume of assigned Lands and the sequence of patta numbers in the assigned Lands volume of adangal are 621, 623, 624, 625 and 627. All the khata numbers 621, 623, 625 and 627 on that page of the adangal are assigned lands and there is no dispute regarding the same. Hence, we have no option but to conclude that nature of the Land in khata no 624, which the present writ petitioners claim, is government land only.

21. The Petitioner has produced copies of the Cist (Land Revenue) receipts for the years 1952, 1953, 1959, 1968 AND 1976. The originals have not been produced. The Collector denies their existence in the offices of the Revenue Department. Under the circumstances, they copies produced do not have any evidentiary value as the originals are not produced for a check.

22. Sri P. Venkata Raju assignee for land in Sy.No.150/2 of Lankelapalem Village has obtained orders from the Government vide G.O.Rt.No.317 Revenue (Assignment-I) Department Dt.4.3.1993 converting the assigned land from landless poor category to assignment under political sufferer category and also obtained sale permissions for the same.

This corroborates the contention of the Collector that Sy.No.150, including Sy.No. 150/3 (Being claimed by the present petitioner) is entirely Government land and was assigned to landless poor persons as can be seen from the FMB as well as the Settlement Fair Adangal.

Based on the preponderance of evidence it is evident that Sy. No. 150/3, which is the present land under question, was Government land at the time of settlement operations and the same was sub-divided and granted to landless poor persons as assignment pattas around the year 1980. Hence, such lands cannot be alienated by the original assignee and the Collector has rightfully included the same in the prohibited lands list in terms of Section 22A of the Registration Act, 1908.

Hence, the nature of Land is Government Land and ownership lies with the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
1.Sri Karanamreddy Narasinga Rao,
S/o Late Atchanna, D.No.27-4-41,
Pathakarnamvanipalem (V), Peagantyada Mandal,
Visakhaptnam District.

2. Sri Chikkala Kannayya S/o Ramaswamy,
Resident of D.No.2-8, Mediwada Village,
Ravikamatham Mandal, Anakapalli District.

3.The District Collector, Anakapalli
4.The Tahsildar, Parawada, Anakapalli District.
5. Learned Govt Pleader (Revenue), A.P. High Court.
6. Learned Govt Pleader (Land Acquisition), A.P. High Court
S.f.

//FORWARDED:: BY ORDER//

SECTION OFFICER